

08 CV 4722

JUDGE RAKOFF

062-08/WLJ/JPG

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Attorneys for Plaintiff

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
OCEANWISE SERVICES GMBH,

08-Civ-

Plaintiff,

- against -

HO FENG MARITIME S.A.,

**SORRENTINO AFFIDAVIT
PURSUANT TO RULE B(1)**

Defendant.
-----X

STATE OF NEW YORK)

)

ss:

COUNTY OF NEW YORK)

Joan Sorrentino, being duly sworn, deposes and says as follows:

1. I am not a party to the within action, am over 18 years of age and have an office and place of business at 80 Pine Street, New York, New York 10005.

2. This Affidavit is submitted pursuant to Supplemental Rule B of the Federal Rules of Civil Procedure (see paragraphs 3-4, below).

DEFENDANT IS NOT FOUND WITHIN THE SDNY

3. Deponent has made an investigation and deponent believes that based upon the results of this investigation, that Defendant HO FENG MARITIME S.A. is a corporation or other

business entity that cannot be “found” within this District for the purpose of an attachment under Rule B. In support of this position, deponent has conducted the following investigation:

(a) Deponent contacted the office of the New York Department of State, Division of Corporations on May 19, 2008, via the official Department of State website at <http://www.dos.state.ny.us> and conducted a search for the Defendant and the search results indicated that the Defendant is not a New York corporation, nor is it licensed, authorized or registered to do business in the State of New York as either a domestic or international corporation;

(b) Deponent consulted with Directory Assistance for New York State on May 19, 2008 for area codes (212), (347), (718), (917), (646), (914), and (845) and no listing for the Defendant, was located;

(c) Deponent reviewed the Journal of Commerce (Business Directory) Transportation Telephone Tickler, 2007 Edition (Vol. 1 New York Metropolitan Area) and no listing was found for the Defendant;

(d) Deponent accessed on May 19, 2008, through Microsoft Internet Explorer, Google and Yahoo! Search engines the yellow pages telephone directory database and found no listing in that database for any offices or agents of the Defendant within this district;

(e) Deponent has located a website for Defendant and found no evidence that Defendant has an office in this District or is otherwise doing business in the District.


(f) Deponent is unaware of any general or managing agent(s) within this District of the Defendant.

4. Based upon the foregoing, your deponent submits that the Defendant cannot be “found” within this District for the purpose of an attachment pursuant to Rule B and seeks an

order of attachment against such tangible and intangible property of the Defendant as may be found within this District up to and including the amount of the claim as specified in the Complaint.


JOAN SORRENTINO

Sworn to before me this
19th day of May, 2008


Notary Public

CLARE HENRY
Notary Public, State of New York
No. 01HE4831498
Qualified in Kings County
Certificate in New York County
Commission Expires October 31, 2009